

c.) Remarks

Claims 1-5 and 8 have been amended in order to recite the present invention with the specificity required by statute and new claim 14 is presented in order to more specifically recite a preferred embodiment of the present invention. Additionally, the specification has been amended for better idiomatic usage. Accordingly, no new matter has been added.

Claims 4, 5 and 8-12 are objected to under 37 C.F.R. §1.75(c) as being in improper multiple dependent form. In response, claims 4, 5 and 8 are amended to recite “any one of” in conformity with MPEP §608.01(n)I(A.) Accordingly, this objection is mooted.

Claim 2 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is not well-understood but to reduce the issues, Applicants have above amended claim 1 to recite that the surface layer provides the light entering side. Accordingly, this rejection is mooted as well.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hingsen-Gehrmann (U.S. Patent Publication No. 2002/0142121) in view of Yamamoto (U.S. Patent Publication No. 2002/0135735). The Examiner’s analyses in support of the rejection are set forth at pages 3-5 of the Office Action.

This rejection is respectfully traversed. Prior to setting forth their bases for traversal, however, Applicants would briefly like to discuss the salient features of the present invention and *inter alia* its patentable nature over the prior art.

As the Examiner is well-aware, the present invention relates to a retroreflective sheeting having a surface layer and a retroreflective element layer having a destructive layer provided therebetween, wherein the destructive layer is an acrylic polyolefin resin or an acrylic resin. By these features, when the retroreflective sheeting is applied to a substrate and removed, pending and/or destruction of the destructive layer takes place.

Of course, destructive or tamper-resistant layers are well-known. However, as discussed throughout their specification, Applicants' particular destructive layer is especially stable in both high temperatures and in sunlight. Neither these features, nor these advantages are either taught or suggested by the prior art, whether taken singly or together.

Hingsen-Gehrmann discloses that polyester resin and polyacrylate resin can be used as a resin constituting the release layer. See paragraph [0059]. However, Hingsen-Gehrmann does not disclose or suggest<sup>1</sup> the alicyclic polyolefin resin or alicyclic acrylic resin recited in Applicants' independent claim.

This deficiency is not addressed by the secondary reference to Yamamoto.

Yamamoto discloses a resin sheet having a cyclopentane ring in its principal chain. See paragraph [0043]. However, Yamamoto's sheet is not Applicants' destructive sheet and so, cannot function as one and cannot be used for the purpose of peeling. This is readily seen from the following description in Yamamoto at paragraph [0048].

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<sup>1</sup> As is understood by those of ordinary skill herein, Hingsen-Gehrmann's polyacrylate resin is a methylacrylate or an ethylacrylate resin.

“In the present invention, since the composite sheet is generally processed or deformed into a curved structure having a spherical surface, a curved surface plane, or the like, it is preferred that the composite sheet can be subject to pressure or heat to a certain extent.”

Accordingly, there is no *prima facie* obviousness.

Claims 1, 2 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/590,982.

In response, Applicants respectfully wish to point out that this application is earlier-filed than the co-pending 10/590,982. Accordingly, no action need be taken herein and if necessary, a Terminal Disclaimer may be required in the ‘982 application. See MPEP 804 (I)(1).

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-5 and 8-14 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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